

**CALIFORNIA COASTAL COMMISSION**

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**W-15**

June 14, 2006

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director  
 Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR JUNE 2006

CONTENTS: This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal-related legislation.

**Note: Information contained in this report is accurate as of 6/02/06. Changes in the status of some bills may have occurred between the date this report was prepared and the presentation date.** Current status of any bill may be checked by visiting the California Senate Homepage at [www.sen.ca.gov](http://www.sen.ca.gov). This report can also be accessed through the Commission's World Wide Web Homepage at [www.coastal.ca.gov](http://www.coastal.ca.gov)

### Legislative Calendar

\*Some deadlines may be waived by a majority vote of the Rules Committee

|          |  |
|----------|--|
| Jan. 1   | Statutes take effect   |
| Jan. 4   | Legislature reconvenes   |
| Jan. 10  | Budget must be submitted by Governor   |
| Jan. 13  | Last day for policy committees to hear and report to Fiscal Committees                 |
| Jan. 20  | Last day for any committee to hear and report 2005 bills introduced in their house     |
| Jan. 27  | Last day to submit bill requests to Office of Legislative Counsel                      |
| Jan. 31  | Last day for each house to pass 2005 bills introduced in their house                   |
| Feb. 24  | Last day for bills to be introduced  |
| Apr. 6   | Spring Recess begins   |
| Apr. 17  | Legislature reconvenes   |
| May 19   | Last day for policy committees to meet prior to June 5                                 |
| May 26   | Last day for Fiscal Committees to hear and report 2005 bills introduced in their house |
| May 26   | Last day for Fiscal Committees to meet prior to June 5                                 |
| May 30   | Through June 2—Floor Session only. No committees may meet                              |
| June 2   | Last day for bills to be passed out of house of origin                                 |
| June 5   | Committee meetings may resume  |
| June 15  | Budget must be passed by midnight  |
| June 29  | Last day for a legislative measure to qualify for the general election ballot          |
| June 30  | Last day for policy committees to meet and report bills                                |
| July 7   | Summer Recess begins at the end of session if Budget Bill has been enacted             |
| Aug. 7   | Legislature reconvenes   |
| Aug. 18  | Last day for Fiscal Committees to meet and report bills to the Floor                   |
| Aug. 25  | Last day to amend bills on the Floor   |
| Aug. 31  | Last day for each house to pass bills. Final Recess begins at end of session           |
| Sept. 30 | Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1   |

## **PRIORITY LEGISLATION**

### **AB 782 (Mullin) Redevelopment: project area**

This bill would amend the Health and Safety Code to eliminate antiquated subdivisions as a criterion for declaring “blight” in a redevelopment area.

|              |                                   |
|--------------|-----------------------------------|
| Introduced   | 02/18/05                          |
| Last Amended | 01/04/06                          |
| Status       | Senate Local Government Committee |

### **AB 1165 (Bogh) Energy Resources: energy agency reorganization**

This bill would abolish the State Energy Resources and Conservation Commission, the California Consumer Power and Conservation Financing Authority, and the Electricity Oversight Board. It would create the Department of Energy, headed by a Secretary of Energy, and would create the California Energy Commission and the Office of Energy Market Oversight within the department. The secretary would be appointed by, and hold office at the pleasure of, the Governor, subject to confirmation by the Senate. The bill would authorize the Governor to appoint members as proscribed by the bill.

|              |   |
|--------------|---|
| Introduced   | 02/18/05                                      |
| Last Amended | 08/31/05                                      |
| Status       | Senate Energy, Utility and Commerce Committee |

### **AB 1204 (Laird) Parks: Monterey Peninsula Regional Park District: transfer**

This bill would authorize the Department of Parks and Recreation to transfer 130 acres of land near Carmel-By-The-Sea formerly known as the Hatton Canyon Bypass, to the Monterey Regional Park District for use as a public park.

|              |  |
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| Introduced   | 02/22/05   |
| Last Amended | 08/15/05   |
| Status       | In Assembly. Concurrence with Senate amendments pending. |

### **AB 1679 (Mullin) Department of Transportation: property transfer**

This bill would require Caltrans to transfer approximately 30 acres of land in San Mateo County, originally purchased as a future alignment for the Devil’s Slide Bypass, to the Department of Parks and Recreation with an option to lease the property to the Montara Water and Sanitary District for groundwater resources and passive public recreation. The bill would also transfer the Scott Creek watershed within Santa Cruz County from the jurisdiction of the Central Coast Regional Water Quality Control Board to the San Francisco Bay Regional Water Quality Control Board.

|              |   |
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| Introduced   | 05/09/06                                    |
| Last Amended | 01/11/06                                    |
| Status       | Senate Transportation and Housing Committee |

**Commission Position: Recommend Support**

**AB 1940 (Koretz) Environment: marine debris**

This bill would add Section 30327 of the Coastal Act, directing the Coastal Commission to take additional steps, within its existing resources, to address marine debris. These additional steps include but are not limited to the following: Increase public outreach and educations; Coordinate with public agencies, including local governments, to reduce marine debris; Convene a multi-agency task force for the purpose of implementing a statewide effort to reduce marine debris.

|                 |                           |
|-----------------|---------------------------|
| Introduced      | 02/01/06                  |
| Status          | Assembly Floor            |
| <b>Position</b> | <b>Support if Amended</b> |

**AB 2134 (Harman) Funding: coastal wetlands maintenance**

This bill would create the Coastal Wetlands Account in the State Treasury, and require the State Lands Commission to deposit \$5 million annually into that account, to be administered by the State Treasurer. Interest from the account would be continuously appropriated to the Department of Fish and Game for wetland maintenance projects. **The substance of this bill has been amended into SB 1125.**

|              |  |
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| Introduced   | 03/27/06   |
| Last Amended | 03/27/06   |
| Status       | Referred to Assembly Natural Resources Committee |

**AB 2299 (Harman) California Coastal Act: Aquaculture**

This bill would amend Section 30411 of the Coastal Act relating to the requirement for the Department of Fish and Game to prepare a programmatic EIR for existing and potential aquaculture operations. The bill would specify that any private industry funds expended for preparation of the report prior to 2007, including in-kind contributions and materials, would count as matching funds, and would appropriate \$300,000 from the general fund to complete the EIR. Note: This section is proposed for repeal by SB 201 (Simitian).

|              |  |
|--------------|--|
| Introduced   | 02/22/06   |
| Last Amended | 04/27/06   |
| Status       | Assembly Appropriations Committee, Suspense File |

**AB 2348 (Laird) Flood control: Pajaro River**

This bill would authorize the state to provide funding to the counties of Monterey and Santa Cruz for a flood control project on the Pajaro River.

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|--------------|------------------------|
| Introduced   | 02/23/06               |
| Last Amended | 05/26/06               |
| Status       | Senate Rules Committee |

**AB 2485 (Jones) Fish and Game: sea otters**

This bill would state the Legislature's intent to establishment a research program focusing on how to reduce sea otter mortality from point and non-point pollution sources; develop treatment technologies for dealing with pathogen related and other diseases in sea otters; increase the fine for the illegal take of a sea otter to \$25,000; impose civil penalties for the discharge of any material into state waters that harm marine mammals; require any cat litter products sold in the state to contain packaging information directing users to dispose of cat litter responsibly; establish within the State Treasury a Sea Otter Protection Fund, and direct the Franchise Tax Board to provide for a voluntary contribution check-off for taxpayers to allocate a portion of their tax returns to the Fund.

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|--------------|------------------------|
| Introduced   | 02/24/06               |
| Last Amended | 05/26/06               |
| Status       | Senate Rules Committee |

**AB 2641 (Coto) Indian burial grounds**

This bill would require landowners whose property contains Native American burial sites as defined in the bill, to consult with the "most likely descendents" when a burial site is discovered, and ensure that no further disturbance of the site take place until consultation is complete. The consultation shall include recommendations to the landowners from the most likely descendents on culturally appropriate methods to protect the site and the remains. The bill would also require that the Native American Heritage Commission make the final determination in the case of disputes regarding the determination of the existence of a burial ground.

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|--------------|------------------------|
| Introduced   | 02/24/06               |
| Last Amended | 04/20/06               |
| Status       | Senate Rules Committee |

**AB 2852 (Nava) Tsunami hazard mitigation**

This bill would direct establish the California Tsunami Steering Committee, within the Office of Emergency Services. The steering Committee would include representatives of several state agencies, including the California Coastal Commission, as well as representatives from coastal counties and ports. The steering committee would guide statewide tsunami planning, mitigation and preparedness activities as prescribed by the bill.

|              |  |
|--------------|--|
| Introduced   | 02/24/06   |
| Last Amended | 04/27/06   |
| Status       | Assembly Appropriations Committee, Suspense File |

**AB 2930 (Laird) Property dedications: agricultural and open space easements**

This bill would require the State Coastal Conservancy to accept any Offer to Dedicate a conservation or open space easement within 90 days of its expiration date, if no other accepting entity can be found. This bill would also exempt the SCC acceptance process from General Services review.

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|---------------------|------------------------|
| Introduced          | 02/24/06               |
| Last Amended        | 04/06/06               |
| Status              | Senate Rules Committee |
| Commission Position | Recommend Support      |

**AB 2972 (Nava) Oil and gas leases**

This bill would require the State Lands Commission to declare an application for an oil or gas lease on state lands to be considered to be withdrawn if that application remains incomplete for a period of one year after the first incomplete notice has been sent to the applicant.

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|--------------|---|
| Introduced   | 02/24/06  |
| Last Amended | 04/25/06  |
| Status       | Senate Natural Resources and Wildlife Committee |

**AB 3028 (Laird) California Coastal Trail**

This bill would authorize any state agency issuing a grant or a permit to a public agency for a project near the California Coastal Trail (CCT) to condition the funding or the permit on the requirement to accommodate development of the CCT, or public access from the trail to the coast.

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|--------------|------------------------|
| Introduced   | 02/24/06               |
| Last Amended | 05/26/06               |
| Status       | Senate Rules Committee |

**AB 3031 (Houston) Seismic retrofit projects**

This bill would exempt Caltrans seismic retrofit projects from certain provisions of CEQA for seismic retrofit and replacement activities on two Oakland bridge projects.

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|--------------|-----------------------------------|
| Introduced   | 02/24/06                          |
| Last Amended | 04/19/06                          |
| Status       | Assembly Appropriations Committee |

**SR 20 (Florez) Relative to tribal gaming**

This resolution would require the Senate to adopt a new rule prohibiting the ratification of Indian gaming compacts that authorize Indian casinos on non-tribal lands. The rule would have exempted any compacts that have been negotiated and executed by the Governor prior to September 30, 2005, thus allowing the relocation of the Big Lagoon Rancheria in Humboldt County to the City of Barstow. Committee amendments on 2/28 removed the exemption for Big Lagoon, but the resolution failed passage.

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|--------------|--------------------------|
| Introduced   | 01/04/06                 |
| Last Amended | 02/28/06                 |
| Status       | Withdrawn from Committee |

**SB 53 (Kehoe) Redevelopment agencies**

This bill would require redevelopment agencies to prepare a redevelopment plan to include a description of the agencies plan to acquire real property, including any prohibitions on the use of eminent domain.

|              |                                     |
|--------------|-------------------------------------|
| Introduced   | 01/10/05                            |
| Last Amended | 08/15/06                            |
| Status       | Assembly Local Government Committee |

**SB 153 (Chesbro) California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2006**

This bill would authorize \$3,945,000,000 in General Obligation bonds for the purpose of financing the acquisition, development and preservation of parks, coastal, recreational, cultural and agricultural lands, and other clean air and water projects as specified. The Senate Natural Resources Committee report to the Conference Committee includes \$10 million for grants to local governments for LCP updates, \$250 million for the State Coastal Conservancy for coastal projects and acquisitions, \$100 million for the Ocean Protection Council for grants, \$350 million for the Wildlife Conservation Board for habitat acquisitions, and \$100 million for easements for “working landscapes.” No specific projects or acquisitions are enumerated.

|              |                                    |
|--------------|------------------------------------|
| Introduced   | 02/15/05                           |
| Last Amended | 09/02/05                           |
| Status       | Assembly Appropriations Committee. |

**SB 168 (Chesbro) Tribal gaming: compact ratification**

This bill would ratify a tribal gaming compact between the State of California, the Big Lagoon Rancheria and the Los Coyotes Band of Cahuilla and Cupena Indians to allow the transfer of rights to develop a casino at Big Lagoon in Humboldt County, to an urban site in the City of Barstow.

|              |             |
|--------------|-------------|
| Introduced   | 02/08/05    |
| Last Amended | 04/25/06    |
| Status       | In Assembly |

**Commission Position Recommend Support**

**SB 201 (Simitian) Marine finfish aquaculture: Sustainable Oceans Act**

This bill would prohibit any person from engaging in finfish aquaculture without a permit from the Fish and Game Commission. It would also require that and final programmatic EIR prepared for a coastal marine finfish aquaculture project and approved by the Fish and Game Commission includes an analysis of specific impacts, and that it ensures that marine finfish aquaculture is managed in an environmentally sustainable manner. The bill would set specific standards for finfish aquaculture leases, including monitoring requirements and management practices. The bill limits finfish aquaculture to species native to California. This bill deletes Section 30411 (c ) from the Coastal Act, which requires the Department of Fish and Game to prepare a programmatic EIR for existing and potential commercial aquaculture operations, and incorporates that requirement into the new standards.

|              |                  |
|--------------|------------------|
| Introduced   | 02/22/05         |
| Last Amended | 04/17/06         |
| Status       | <b>Chaptered</b> |

**SB 426 (Simitian) Renewable energy**

This bill would require the California Energy Commission to conduct a statewide needs assessment that analyzes the state's projected need for natural gas, including Liquefied Natural Gas (LNG), as part of a public process. This bill would also require the Energy Commission, in consultation with the Coastal Commission and other state agencies, to conduct a comparative analysis of the currently proposed sites to assess their relative merits as they relate to public health, environmental constraints and other impacts. Recent amendments clarify that the Federal Energy Bill of 2005 does not abrogate the State's property rights with respect to LNG facilities, and sets specific findings that must be made in furtherance of the Federal Deepwater Port Act of 1974 that would apply to the Governor's decision to disapprove a license to construct an LNG application.

|                            |                            |
|----------------------------|----------------------------|
| Introduced                 | 02/17/05                   |
| Last Amended               | 08/31/05                   |
| Status                     | Senate Unfinished Business |
| <b>Commission Position</b> | <b>Support</b>             |

**SB 1003 (Escutia)**

This bill would designate the California Energy Commission as the only state agency with permitting authority over Liquefied Natural Gas (LNG) terminals in California. This bill is double-joined with SB 426 (Simitian).

|                            |                                    |
|----------------------------|------------------------------------|
| Introduced                 | 02/15/05                           |
| Last Amended               | 07/13/05                           |
| Status                     | Assembly Appropriations Committee. |
| <b>Commission Position</b> | <b>Neutral</b>                     |

**SB 1024 (Perata) Public works and improvements: bond measure**

This bill would enact the Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2005 to authorize an unspecified amount in state general obligation bonds for specified purposes, including the state transportation improvement program, passenger rail improvements, levee improvements, flood control, port infrastructure and security projects, trade corridors of significance, emissions reduction projects, environmental enhancement projects, transit-oriented development, transportation needs in cities, counties, and housing, regional growth, and infill development purposes, subject to voter approval. This bill would require the Secretary of State to submit the proposed bond measure to the voters at the November 7, 2006 election.

|              |             |
|--------------|-------------|
| Introduced   | 02/22/05    |
| Last Amended | 01/26/06    |
| Status       | In Assembly |

**SB 1125 (Chesbro) Natural resources: funding**

This bill would repeal the sunset date of July 1, 2006, in PRC Section 6217 relating to allocation of state tideland funds from the State Lands Commission. The bill would specify the amount of funds allocated to each of the several accounts in the following priority: \$10 million to the Salmon and Steelhead Restoration Account, \$5 million to the new Coastal Wetlands Account, \$10 million to the Marine Life and Marine Reserve Management Account, \$10 million to the Non-game fish and Wildlife Account, \$10 million to the State Parks Deferred Maintenance Account, and \$5 million to the new Wetlands and Riparian Habitat Conservation Account.

|              |             |
|--------------|-------------|
| Introduced   | 01/09/06    |
| Last Amended | 05/01/06    |
| Status       | In Assembly |

**SB 1434 (Kuehl) Ocean Protection**

This bill would authorize the Ocean Protection Council to hire a science advisor and an executive policy officer.

|              |                                 |
|--------------|---------------------------------|
| Introduced   | 02/22/05                        |
| Last Amended | 03/27/06                        |
| Status       | Senate Appropriations Committee |

**SB 1494 (McClintock) Transportation**

This bill would authorize the commission to designate transportation projects of statewide significance as top priority projects. The bill would exempt these projects from the California Environmental Quality Act, and would authorize the Department of Transportation or other implementing agency to use design-build and design-sequencing procedures for the project, notwithstanding any other provision of law.

|            |   |
|------------|---|
| Introduced | 02/23/06  |
| Status     | Senate Transportation and Housing Committee. Held in Committee. |

**SB 1650 (Kehoe) Eminent Domain**

This bill would require that any public agency exercising eminent domain authority may only use such property for the use stated in its original resolution of necessity and approved by a vote of 2/3 of the body. This bill would also require that any real property acquired through eminent domain that has not been used for its stated purpose within a period of 10 years must be sold unless authorized for another use or reauthorized for its original use by a 2/3 vote of the agency.

|              |             |
|--------------|-------------|
| Introduced   | 02/24/05    |
| Last Amended | 05/02/06    |
| Status       | In Assembly |

**SB 1800 (Duchenev) General Plan: housing plans**

This bill would require local governments, when updating their housing element, to also prepare a “housing opportunity plan” as defined by the bill. Among other requirements, Housing Opportunity Plans must contain zoning to accommodate projected housing needs for low and very low-income residents for a period of 10 years. The bill also establishes the Housing Planning Trust Fund to offer loans to local governments for plan preparation, to be administered by the Department of Housing and Community Development. The program would be funded by an unspecified fee increase on local building permits.

|              |   |
|--------------|---|
| Introduced   | 02/24/06  |
| Last Amended | 05/23/06  |
| Status       | Senate Transportation and Housing Committee, Senate Rules Committee |



**SB 1843 (Committee on Natural Resources) California Coastal Act**

This bill would make technical, non-substantive changes to the Coastal Act, delete obsolete sections, and make other conforming changes to the statute. This bill would also authorize the Commission to process a consolidated permit application for projects which span two jurisdictions split between the Coastal Commission and a local government, when requested to do so by both the local government and the applicant, and approved by the Commission's Executive Director.

|                             |                                    |
|-----------------------------|------------------------------------|
| Introduced                  | 02/07/06                           |
| Last Amended                | 04/17/06                           |
| Status                      | Senate Natural Resources Committee |
| <b>Commission Position:</b> | <b>Recommend Support</b>           |

**Please contact Sarah Christie, Legislative Coordinator, at (916) 445-6067 with any questions on material contained in this report.**

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**BILL ANALYSIS  
AB 1679 (Mullin)****SUMMARY**

This bill would require Caltrans to transfer approximately 30 acres of land in San Mateo County, originally purchased as a future alignment for the Devil's Slide Bypass, to the Department of Parks and Recreation with an option to lease the property to the Montara Water and Sanitary District for groundwater resources and passive public recreation. The bill would also transfer the Scott Creek watershed within Santa Cruz County from the jurisdiction of the Central Coast Regional Water Quality Control Board to the San Francisco Bay Regional Water Quality Control Board.

**PURPOSE OF THE BILL**

The purpose of this bill is to:

- Preclude future residential development of an underlying antiquated subdivision.
- Provide public access and natural resource protection by adding parcel to Montara Beach State Park.
- Allow the Montara Water District to develop exiting ground water resources to provide a reliable source of drinking water to the communities of Montara and Moss Beach.
- Eliminate fragmented RWQCB jurisdiction over the Scott Creek Watershed

The bill specifies that the property can only be used for recreational, open space and water development purposes. The Department of Parks and Recreation has the option to lease or sell the property to the Montara Water District for the specified purposes.

**ANALYSIS**

This bill was introduced at the request of the Montara Water District in San Mateo County. The Department of Transportation (Caltrans) purchased the subject property in 1972 for the purpose of relocating Highway One to bypass the Devil's Slide area. As the highway is currently being routed through the Devil's Slide tunnel, the subject property is no longer needed by Caltrans for transportation purposes.

The parcel contains between 300-600 underlying, substandard, antiquated subdivision parcels, depending on what standards are applied. Currently, the county has no lot merger program. The Water District has been in a water moratorium since 1979. However, San Mateo County continues to approve new development within the

District's boundaries, with private well and septic systems.

The District is concerned that if the parcel were sold to a private party, the underlying parcels would be developed, despite the District's moratorium on new water connections. The District would like to develop several wells on the subject property to tap into an underlying aquifer that would help to alleviate their current water shortage for existing ratepayers.

Development of the parcel would be problematic from the perspective of Coastal Commission staff. The property currently functions as an unofficial adjunct to McNee Ranch State Park and Montara Beach State Park, and is heavily used for public access. Residential development of the site would also have impacts on scenic public views, water quality and ESHA. Retiring development rights by transferring the property to DPR would eliminate these potential impacts.

Article XIX, Section 9 of the California Constitution authorizes Caltrans to transfer property within the Coastal Zone to the Department of Parks and Recreation, the Department of Fish and Game, or the Wildlife Conservation Board, for the original cost of acquisition.

## **LEGISLATIVE HISTORY**

SB 792 (Sher) - Chapter 390, Statutes of 2004 requires Caltrans to declare other bypass-related properties in the area as surplus and to sell property to DPR for state park purposes.

AB 434 (Keely) – Chapter 136, Statutes of 2001, requires Caltrans to declare the Hatton Canyon Bypass in Monterey County as surplus and transfer the property for state or regional park purposes.

AB 1204 (Laird) would authorize DPR to transfer the Hatton Canyon Bypass property to the Monterey Regional Park District.

## **FISCAL IMPACT**

Minor costs to DPR, to pay acquire the property at 1972 real estate prices.

## **RECOMMENDATION**

Staff recommends that the Commission **SUPPORT AB 1679**

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**BILL ANALYSIS  
AB 2390 (Laird)****SUMMARY**

This bill directs the State Coastal Conservancy (SCC) to accept all outstanding Offers to Dedicate (OTD) conservation and open space easements required as conditions as coastal development permits (CDP) within 90 days of their expiration date, if no non profit entity or public agency has accepted the OTD. This bill would exempt the SCC's acceptance of conservation and open space OTDs from review by the Department of General Services.

**PURPOSE OF THE BILL**

The purpose of this bill is to:

- Prevent conservation and open space OTDs from expiring
- Streamline the OTD acceptance process for the SCC
- Protect coastal resources that are the subject of conservation and open space OTDs

**ANALYSIS**

This bill was introduced in response to the LAO's 2005 report, "Improving Public Access and Development Mitigation" which highlighted the fact that the State was at risk of losing a significant number of conservation and open space OTDs, unless corrective steps are taken. The Coastal Commission sometimes imposes conservation easements as conditions of approval when coastal development permits are issued. If not accepted by a non-profit organization or public agency, the OTD will expire and the resources will not be protected.

Between 1977 and 2004, the Coastal Commission has recorded 1,316 conservation and open space OTDs. 232 of these have been accepted, 54 have expired, and the status is unknown for 233 OTDs. (The Commission is currently making improvements to its efforts to track the all OTDs). That leaves 797 OTDs, or more than 40%, which have not yet been accepted. A third of these are scheduled to expire over the next four years, and are at risk of expiring if entities cannot be found to accept them.

**LEGISLATIVE HISTORY**

This is a reintroduction of AB 1524, which was vetoed last session by the Governor. The bill is similar to SB 1962 (Polanco) (Chapter 518, Statutes of 2002) which required the SCC to accept all Public Access OTDs at risk of expiring within 90 days. The Conservancy reports that SB 1962 has actually encouraged more non profits and local governments to accept Public Access OTDs associated with funding requests.

The 2005 LAO report, “Improving Coastal Access and Development Mitigation”, includes the provisions of this bill as a legislative recommendation (pp 16-17).

### **FISCAL IMPACT**

Minor costs to SCC, associated with preparing to accept OTDs, preparing staff reports for the Conservancy Board, and accepting responsibility for monitoring in certain cases. Ideally, the SCC will function largely as a temporary holding agent for expiring OTDs, until suitable third parties can be identified to assume management responsibilities. The Commission works closely with the SCC in acceptance process.

### **RECOMMENDATION**

Staff recommends that the Commission **SUPPORT AB 2390**

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**BILL ANALYSIS**  
**SB 1843 (Senate Natural Resources and Water Committee )****SUMMARY**

This bill would amend Sections 30233, 30265, 30333.1, 30333.2 and 30340.5, repeal Sections 30342, 30343, 30508.5 and 30713, and add Section 30601.3 to the Public Resources Code, (Coastal Act) relating to coastal resource. The bill deletes obsolete sections of the Coastal Act, and obsolete references within sections of the Coastal Act. The bill also allows the Commission, upon the request of an applicant and the appropriate local government with a certified Local Coastal Program, to process a consolidated application for a coastal development permit for projects that fall within the jurisdiction of both the Commission and a local government.

**PURPOSE OF THE BILL**

The purpose of this bill is to:

- Update the Coastal Act by deleting obsolete sections and references,
- Make conforming changes with other statutes
- Streamline the permit process for projects that fall within split jurisdictions.

**ANALYSIS**

Since its passage in 1976, the California Coastal Act (PRC 30000 et seq) the statute has been amended numerous times, but never undergone a comprehensive update to delete sections. The statute contains references to “regional commissions” which no longer exist, language pertaining to pilot programs that are no longer needed, and sunset dates and other deadlines that are decades old. This bill deletes obsolete language and makes conforming changes.

The bill contains two substantive changes. Section 30233 (a)(3) allows for the dredging of entrance channels for the expansion of boating facilities in degraded wetlands. This section was written specifically to facilitate a residential development proposal in the Bolsa Chica wetlands. This property is now in public ownership, and the wetlands are being restored, making this section obsolete.

At the request of the Commission and local governments, the bill adds Section 30601.3. This would allow the Commission to process a consolidated permit, upon the request of a local government and applicant, for projects which straddle the

jurisdictions of both the Commission and the local government, such as some seawalls and bridges. Under existing law, the Commission has no such authority. Therefore, applicants must prepare, and pay for, two parallel permits from the town agencies. This is an unnecessary waste of public and private resources. Processing a single, consolidated permit will reduce costs to the public and shorten the timeline for approval of coastal development permits.

**This Bill Would:**

- Delete Section 30342 (Requiring semi-annual progress reports on the implementation of the Coastal Act. The Commission has never had the resources to carry out this provision.)
- Delete Section 30343 (Requiring the Commission to establish a coastal resource center as a pilot program no later than July 1, 1984. The Commission has never had the resources to carry out this provision.)
- Delete Section 30608.5 (Exempting projects with local permits obtained prior to 1979 from needing to obtain a coastal development permit from the Commission).
- Delete Section 30713. (Pertaining to the submittal of port master plans completed prior to 1977).
- Add Section 30601.3 (see analysis above).

In addition, the bill makes minor conforming changes that track amendments to other statute references, and deletes obsolete language and deadlines.

## **LEGISLATIVE HISTORY**

This is a routine statutory clean up bill, sponsored by the Senate policy committee with jurisdiction over the Coastal Act.

## **FISCAL IMPACT**

None.

## **RECOMMENDATION**

Staff recommends that the Commission **SUPPORT SB 1843**